(40)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) NO. 7056/2007

PETITIONER Ramesh Chandra Vaishnav s/o Radha Chandra aged about 54 years, R/o Baramkale, District Raigarh(CG)

Vs.

RESPONDENTS

1. State of Chhattisgarh Through Secretary, Water Resources Department, Dau Kalyan Singh Bhawan, Raipur(CG)
2. Engineer-in-Chief, Water Resources Department Raipur(CG)
3. Executive Engineer, Water Resources Division, Raigarh(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Presence :

Shri S.P.Kale, Counsel for the petitioner.
Shri Sumeet Verma, Panel Lawyer for the State on advance copy.

ORAL ORDER
(26.11.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

Learned counsel for the petitioner submits that the petitioner was appointed prior to 31.12.1988 and at present he is working as a Daily Wage Employee in Water Resources Department at Baramkela. He submits that the petitioner prays for a relief in terms of the judgment and order passed by the Supreme Court in the case of ***Secretary, State of Karnataka & others Vs. Umadevi & others*** and ***Mineral Exploration Corporation Employees' Union Vs. Mineral Exploration Corporation Limited & Anr.***

The Supreme Court in the case of Secretary, State of Karnataka and Others(Supra), in para 53 has held as under:

"53.... The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above

referred to and in the light of this judgment. In that context, the Union of India, the State Government and their instrumentalities should take steps to regularize as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme"

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and without expressing any opinion on merits of the case, the request made by learned counsel for the petitioner is allowed, which appears to be just, fair and reasonable. Therefore, the petitioner is allowed to make a detailed representation, raising all his grievances annexing a copy of the writ petition and its annexures to the concerned authority within a period of 3 weeks from today and the concerned authority is directed to decide the representation at the earliest, in an objective manner, on its own merits in accordance with law.

However, this shall be subject to verification of documents regarding appointment of the petitioner prior to 31.12.1988, which he has claimed in his writ petition.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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